

## **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-11 are pending and stand rejected. Claims 1- 10 have been amended. Claim 11 has been cancelled. Claim 12 has been added.

The Title of the instant application is objected to for not being descriptive of the invention claimed. The Office Action refers to the title of the specification as "Steroid Conjugates ... Use thereof."

Applicant respectfully disagrees with the objection to the title. A review of the Specification and the Preliminary Amendment refers to the title as:

"Echo canceller having improved model mismatch compensation."

Applicant believes that the Office Action is incorrect and fails to refer to the title of the instant invention.

Applicant respectfully requests that the objection to the title be withdrawn.

Claims 7-9 stand rejected under 35 USC 112, second paragraph as being indefinite.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, claims 7-9 have been amended to remove or amend the claims referred-to in the Office Action.

Applicant submits that for the amendments made to the claims, the rejection of same has been overcome and respectfully requests that the rejection be withdrawn.

Claim 11 stands rejected under 35 USC 101 because the claim is directed to a signal; hence, is directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has elected to cancel claim 11.

With the cancellation of claim 11, applicant submits that the reason for the rejection is no longer relevant and respectfully requests that the rejection be withdrawn.

Claims 1, 3, 7 and 8 stand rejected under 35 USC 102(b) as being anticipated by Janse (WO 97/45995).

Applicant respectfully disagrees with, and explicitly traverses, the rejection of the claims. However, the independent claims have been amended to better recite the invention as the mismatch signal being modeled based on a decay function independent of a speech input. Support for the amendment may be found at least on page 6, lines 6-13.

Janse discloses an echo canceller signal wherein an echo signal is determined by an adaptive filter and is subtracted from the input signal by a substracter. The spectrum estimator determines the frequency spectrum of the estimate of the echo signal. The Office Action refers to page 3, line 30 -page 4, line 28 for teaching the processing described by Janse. However, a reading of this section fails to show that Janse discloses determining an estimate based on a decay function independent of a speech input. Rather Janse specifically discloses that the speech signal is used in determining the echo estimate. ("[a]t the output of the filter 16 an estimate  $r'[k]$  of the signal  $s[k]$  is available" see page 4, lines 7-8).

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Janse cannot be said to anticipate the present invention, because Janse fails to disclose each and every element recited. As shown, Janse fails to determine an estimate independent of a speech input.

At least for this reason, applicant submits that the rejection of claim 1, for example, has been overcome and respectfully requests withdrawal of the rejection.

With regard the remaining claims these claims ultimately depend from the independent claims and are allowable by virtue of their dependency from an allowable base claim. Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 2, and 8-11 stand rejected under 35 USC 102(e) as being anticipated by Christensson (USP no. 6,510,224).

Applicant respectfully disagrees with, and explicitly traverses the reason for rejecting the claims.

Christensson discloses an enhanced near-end voice signal by receiving an audio signal, generating an estimated acoustic echo signal and generating a processed signal by removing the estimated acoustic echo signal from the audio signal. Christensson, similar to Janse, discloses estimating an echo signal from an input signal (audio plus echo) and removing the estimated echo signal to produce a substantially clean audio signal. However, Christensson fails to determine an estimate being modeled based on a decay function independent of a speech input.

Christensson cannot be said to anticipate the present invention, because Christensson fails to disclose each and every element recited. As shown, Christensson fails to determine an estimate independent of a speech input.

At least for this reason, applicant submits that the rejection of claim 1, for example, has been overcome and respectfully requests withdrawal of the rejection.

With regard to the remaining independent claims, these claims have been amended in a manner similar to that of claim 1 and, hence, are allowable based on the arguments presented in overcoming the rejection of claim 1, which are reasserted, as if in full herein.

With regard the remaining claims these claims ultimately depend from the independent claims and are allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests that the rejection be withdrawn.

Claims 4-6 stand rejected under 35 USC 103(a) as being unpatentable over Janse as applied to claim 3.

Applicant respectfully disagrees with, and expressly traverses, the reason for rejecting the claims.

As shown above, Janse fails to disclose a material element recited in the claims. The Office Action refers to it would have been obvious to determine a minimum time span. However, the Office Action fails to provide any teaching that it would within the knowledge of those skilled in the art to correct the deficiency found to exist in the teachings of Janse.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or

in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Accordingly, even if there were some motivation to modify the teachings of Janse to include a time span, as suggested, the combination of Janse and a time span would not include all the features recited in the independent claims and, consequently, any of dependent claims 4-6.

For at least this reason applicant submits that the rejection has been overcome and respectfully requests withdrawal of the rejection.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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